

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUSTIN ANDREW WILKE,

Defendant.

CASE NO. CR19-5364 BHS

ORDER GRANTING
GOVERNMENT'S MOTION TO
CONTINUE TRIAL

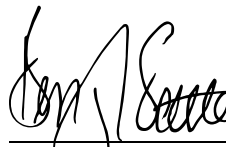
This matter comes before the Court on the government's motion to continue the trial date. Dkt. 134.

On June 9, 2020, the government filed the instant motion requesting that the Court reset trial to begin on September 8, 2020 and find that the period of delay is excludable under the Speedy Trial Act. *Id.* On June 17, 2020, Defendant Justin Wilke ("Wilke") responded and opposed the motion. Dkt. 136. Although Wilke's objections are well taken, there is no other alternative. September appears to be the best estimate for when the Court may assemble a jury. Even then, Wilke contends that the jury may not fairly represent his peers. This, however, is speculation and will be addressed if or when it arises. Wilke also argues that his detention has denied him effective assistance of

1 counsel. Dkt. 136 at 3. Again, Wilke's argument is speculative at this point and will be
2 addressed if or when it arises closer to the new trial date. Therefore, the Court **GRANTS**
3 the government's motion.

4 The Court finds that, for the reasons detailed in the government's motion and in
5 General Orders 01-20, 02-20, 07-20, 08-20, and 9-20, all of which are incorporated
6 herein by reference, the ends of justice served by granting a continuance outweigh the
7 best interests of the public and Wilke in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(i),
8 (iv). Therefore, IT IS FURTHER ORDERED that the time between July 20, 2020 and
9 September 8, 2020 is excluded in computing the time within which trial must commence.
10 18 U.S.C. § 3161(h)(7)(A). Failure to grant this continuance would likely make trial
11 impossible, result in a miscarriage of justice, and would deny both counsel the reasonable
12 time necessary for effective preparation, taking into account the exercise of due diligence.
13 18 U.S.C. § 3161(h)(7)(B)(i), (iv).

14 Dated this 30th day of June, 2020.

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17 BENJAMIN H. SETTLE
18 United States District Judge
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